

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

BENTON COLVIN,	:	CIVIL ACTION NO. 4:10-CV-1820
	:	
Plaintiff	:	(Judge Conner)
	:	
v.	:	
	:	
CONNIE MIKOLIC, et al.,	:	
	:	
Defendants	:	

ORDER

AND NOW, this 10th day of May, 2012, upon consideration of the amended complaint (Doc. 31) filed by pro se plaintiff Benton Colvin on May 6, 2011, against defendant Luann Yohn, and in further consideration of Yohn's motion to dismiss (Doc. 35) filed May 18, 2011, and her brief in support thereof (Doc. 44) filed June 8, 2011; and it appearing that, in Colvin's amended complaint, he reasserts substantially the same allegations as he did in his original complaint (Doc. 1), filed August 30, 2010, the claims against Yohn in such complaint having been dismissed under FED. R. CIV. P. 12(b)(6) by order of the court (Doc. 26) on April 5, 2011; and observing that, without Colvin having alleged anything further in his amended complaint than he did in his original complaint, the amended complaint is subject to dismissal for the same reasons stated in the order of April 5, 2011; and further observing that, in the court's same order (Doc. 26, at 13), Colvin was given twenty days to file an amended complaint, such period of time having been enlarged upon his motion to May 5, 2011 (see Doc. 30, granting the enlargement of time), with it having been clearly stated that "[i]f no such amended pleading is filed on or before

May 5, 2011, defendant Yohn will be terminated as a party” (id.), yet Colvin neglected to file his amended complaint until May 6, 2011; and the court concluding that, on the basis on the factual deficiencies of the amended complaint and its procedural defectiveness, the amended complaint neither has merit nor warrants lengthy discussion, it is hereby ORDERED that:

1. The motion to dismiss (Doc. 35) is GRANTED.
2. The amended complaint (Doc. 31) against Luann Yohn is DISMISSED with prejudice.
3. The Clerk of Court is directed to enter JUDGMENT in favor of Luann Yohn on all counts.
4. The Clerk of Court is directed to CLOSE this case.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge